

REMARKS

Claims 1-25 are currently pending in the present application. Reconsideration of the rejection is respectfully requested.

The Examiner rejected Claims 1-25 under 35 U.S.C. § 103(a) as being unpatentable over Agraharam et al. (U.S. Patent No. 6,389,471) in view of Yen et al. (U.S. Patent No. 6,724,918). This rejection is respectfully traversed.

The present invention is directed to a system and method for collaboratively composing and editing music data. More specifically, the present invention provides a system for facilitating communication amongst participating users to communicate with each other, and at the same time provides a control station for receiving composing data from the users and for composing music data in accordance with the composing data received from the various participating users.

As the Examiner acknowledged, Agraharam does not contain any disclosure or suggestion of a composing section or a control station for composing music data by using composing data received from the various participating users. Yen fails to make up for the deficiencies of Agraharam. Specifically, as the Examiner indicated, Yen teaches a collaborative system for composing multimedia documents such as sketches, to which audio/video recordings can be concurrently added. Specifically, a document such as a sketch document is composed by users (see Fig. 5-7), after which audio/video information may be added or linked in the document (see Col. 5, lines 37-52). The finished work is a collection of sketches with accompanying audio/video. While the users may cooperatively create the graphics of a sketch, Yen does not contain any disclosure or suggestion of the users inputting music composing data, and a control center that receives such music composing data and use it to compose a music piece. Rather, the audio/video information is simply recordings that are appended to the sketches. No composition of music is done in the system

disclosed by Yen; nor are there any suggestions or motivations for doing so. Accordingly, Applicants respectfully submit that Claims 1-25 are not obvious in view of Agraharam and Yen.


In the Detailed Action, the Examiner also stated that, because Agraharam does not contain any disclosure or suggestion of a control station for composing music data, "the artisan would have been motivated to look to the related networking art for potential system for implementing composing and editing the music data" (See Page 3 of Detailed Action). Applicants respectfully disagrees with the Examiner's logic, which essentially suggests that if a reference does not teach something, then it follows that an artisan would be motivated to look elsewhere for what is not taught in the references. This logic is simply contrary to the meaning of 35 U.S.C. § 103(a). It is well-settled law that there must exist explicit teachings or suggestion from at least one of the combined references to provide motivations for combining the references. The Examiner simply does not point to any such motivation but instead makes conclusory assumptions in hindsight of the present invention. Applicants respectfully submit that there is simply no motivation for combining, on the one hand, a network broadcasting system and, on the other hand, a system for indexing and accessing sketch activity.

In view of the above, Applicants respectfully submit that all of the pending claims are in condition for allowance. Reconsideration of the claims is respectfully requested. If the Examiner believes it will advance the prosecution of the present application, Applicants respectfully requests that Examiner to contact the undersigned attorney with any questions or concerns.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 393032021900. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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